

IN THE MATTER OF the Human Rights Code,  
R.S.O. 1990, c. H19, as amended;

AND IN THE MATTER OF the Complaint of Donald  
Chiro, dated January 28, 1992, alleging  
discrimination in employment on the basis of  
handicap by Sheridan College of Applied Arts &  
Technology and Cheryl Snyder

BEFORE: M. R. Gorsky, Board of Inquiry

HEARING COMMENCED: By conference call: June 18, 1993

APPEARANCES: Ms. Kikee Malik  
Legal Services Unit  
Ontario Human Rights Commission  
Counsel for the Ontario Human Rights Commission

Mr. Paul Matthews  
Director, Human Resources  
Sheridan College of Applied Arts & Technology  
Representing Sheridan College of Applied Arts &  
Technology

Mr. Donald Chiro, the Complainant in his personal  
capacity

DECISION

The Board was appointed to hear a complaint by Donald Chiro, pursuant to Section 32 of the Human Rights Code R.S.O. 1990, c. H19, alleging discrimination in employment on the basis of handicap by Sheridan College of Applied Arts & Technology and Cheryl Snyder, contrary to the provisions of ss.5(1) and 9 of the Code.

The hearing was commenced by conference call on June 18, 1993, for the purpose of scheduling dates for a hearing and addressing any preliminary matters raised by the parties.

On June 4, 1993, Mr. Matthews wrote to Daniel E. Pascoe, the then Registrar of the Boards of Inquiry as follows:

With reference to your letter dated May 28, 1993 (Board File #92-0198) concerning the January 28, 1992 complaint of Mr. Donald Chiro, we are enclosing a copy of an agreement signed by Mr. Donald Chiro settling this case.

A copy of this correspondence will also be sent to the Ontario Human Rights Commission in reference to their File No. 58-460T.

We regret any inconvenience this lack of communication has caused.

The document referred to in Mr. Matthews' letter is a letter dated April 23, 1993 from Mr. Matthews to Mr. Chiro which is as follows:

I appreciate the opportunity to discuss, in a telephone conversation yesterday, concerns you have with Sheridan College. Let me reiterate in as clear a form as I can that the concern that we had back in September was in no way a reflection on your ability as a senior Human

Resources manager. We regret any inconvenience or embarrassment this incident has caused as it was not our intention at any time.

As discussed, you will be paid for the remaining sessions of that course. And you will be given every consideration to teach in Continuing Education in the future.

Under Mr. Matthews' signature there appears the following:

I have read, understood and accept Sheridan's proposal and will withdraw my official complaint in the case filed with the Ontario Human Rights Commission of Donald Chiro and Sheridan College of Applied Arts & Technology et al, File No.: 58-460T.

"Donald Chiro"  
Donald Chiro

May 3/93.  
Date:

During the course of the conference call Mr. Chiro confirmed his acceptance of the proposal made by Sheridan College of Applied Arts & Technology and his desire to withdraw his complaint. Ms. Malik, counsel for the Commission indicated, on its behalf, that she saw no need for a hearing in the circumstances.

By letter dated June 21, 1993, Mr. Matthews wrote to me attaching a copy of his letter of April 23, 1993 to Mr. Chiro with Mr. Chiro's acceptance of the proposal of Sheridan College of Applied Arts & Technology and his intention to withdraw his complaint.

#### The Decision

The Board is appointed under s.39 to determine whether a right

has been infringed, if so, by whom, and what remedy is appropriate. In the circumstances of this case, where the complainant withdraws his complaint, and where the Commission, having carriage of the complaint, does not wish to proceed without the complainant, there has been in effect a "settlement of the complaint." For this reason, the Board grants the request for withdrawal. No findings or order under the Code are being made with respect to the complaint which gave rise to the appointment of the Board.

Dated at Toronto, this 9th day of July, 1993.

  
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M. R. Gorsky - Board of Inquiry